

DOCKET NO. STMI08-00002
U.S. SERIAL NO. 10/614,336
PATENT

REMARKS

Claims 1-11, 13-30, and 32-40 were pending in this application.

Claim 39 has been rejected.

Claims 1, 20, and 40 have been objected to.

Claims 1, 20, and 39 have been amended as shown above.

Claim 40 has been cancelled.

Claim 41 has been added.

Claims 1-11, 13-30, 32-39, and 41 are now pending in this application.

Reconsideration and full allowance of Claims 1-11, 13-30, 32-39, and 41 are respectfully requested.

I. OBJECTIONS TO CLAIMS

The Office Action objects to Claims 1, 20, and 40 as containing a possible ambiguity. Claim 39 has been amended as shown above to incorporate the elements of Claim 40. The Applicant has amended Claims 1, 20, and 39 as shown above to correct the possible ambiguity. Based on these amendments, the Applicants respectfully submit that Claims 1, 20, and 39 are definite. Accordingly, the Applicant respectfully requests withdrawal of the objections to the claims.

II. REJECTIONS UNDER 35 U.S.C. § 102

The Office Action rejects Claim 39 under 35 U.S.C. § 102(a) or § 102(e) as being

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anticipated by U.S. Patent No. 6,493,856 to Usami et al. ("*Usami*"). The Office Action rejects Claim 39 under 35 U.S.C. § 102(a) or § 102(e) as being anticipated by U.S. Patent No. 6,427,226 to Mallick et al. ("*Mallick*"). The Office Action rejects Claim 39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,272,668 to Teene ("*Teene*"). These rejections are respectfully traversed.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

The Applicant has amended Claim 39 to incorporate the elements of Claim 40. The Office Action indicates that Claim 40 is patentable (if amended to correct the possible ambiguity as noted above in Section I). Based on these amendments, the Applicant respectfully submits that Claim 39 is patentable.

Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claim 39.

III. NEW CLAIM

The Applicant has added new Claim 41. The Applicant respectfully submits that no new matter has been added. At a minimum, the Applicant respectfully submits that Claim 41 is

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patentable for the reasons discussed above. The Applicant respectfully requests entry and full allowance of Claim 41.

IV. CONCLUSION

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.

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SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned attorney at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fee) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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